

Appl. No. 09/826,121

REMARKS

The Office Action dated January 27, 2005 rejected claims 1-4, 7-9, 11-18, 21-23, 25-32, 35-37, and 39-42. In the paper mailed July 27, 2005, Applicant submitted a Section 131 Declaration and filed a Notice of Appeal with the United States Patent Office. The Office later noted that it never received Exhibit 2 of the Section 131 Declaration. Although Applicant originally submitted Exhibit 2 in the paper mailed July 27, 2005, along with tabs noting where each Exhibit began, it appears that the tabs were discarded during the scanning process, thus leading to potential ambiguity as to where Exhibit 2 started. Therefore, in a fax dated September 6, 2005, Applicant resubmitted Exhibit 2 of the Section 131 Declaration.

On November 7, 2005, the Office mailed a communication regarding the Section 131 Declaration and accompanying Exhibits. In that communication, the Office noted that Applicants have not provided "the listing of files as substantial evidence to support such allegation set forth in the applicants remark statements." The Office further acknowledged that the Section 131 Declaration states that the files listed in Exhibit two comprise an "operational embodiment of the present invention."

During a subsequent phone conversation with the Office, the Office expressed the desire to view the actual source code referred to in Exhibit 2.

Therefore, in a communication mailed January 27, 2006, Applicants submitted a Revised Section 131 Declaration in hopes of alleviating the Office's concern. The Revised Section 131 Declaration contained, in addition to Exhibits 1 and 2, new Exhibits 3-17 containing a redacted version of the contents of the source code file referred to in the body of the Section 131 Declaration and in Exhibit 2.

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In a voice mail left on February 25, 2006, the Examiner noted that the Office does not consider the Section 131 Declaration to be sufficient to place the application in condition for allowance.

Applicant attempted to obtain clarification from the Examiner regarding the Revised Section 131 Declaration. Unfortunately, the Examiner was unable to provide such a clarification due to scheduling issues with his colleagues in the Office.

Therefore, Applicant hereby submits this Request for Continued Examination to preserve Applicant's rights and to prevent the application from becoming abandoned.

CLAIM AMENDMENTS

Applicants have made minor amendments to claims 3 and 4. Specifically, references to the "network" have been changed to refer to the "Internet," to reflect the previously entered amendments to claim 1. No new matter has been added. These amendments were originally submitted in the paper mailed by Applicant on July 27, 2005. However, the Office did not enter the amendments into the record. Therefore, Applicants are re-submitting these claim amendments.

PREVIOUSLY ENTERED ARGUMENTS

Applicants also reiterate the arguments presented in the papers dated September 17, 2004, and July 27, 2005, which are hereby incorporated by this reference.

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CONCLUSION

Based on the above amendment and arguments, Applicants believe all claims now pending in the present application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

If there are any charges related to this response, the Examiner is hereby authorized to charge to White & Case Deposit Account 23-1703. Applicants thank the Examiner for carefully examining the present application. If a telephone conference would facilitate the prosecution of this application, the Examiner is invited to contact Thomas DelRosario at (650) 213-0300.

Respectfully submitted,

Dated: February 28, 2006

By: 

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